

UNITED STATES BANKRUPTCY COURT
DISTRICT OF VERMONT



In re:

Dale A. Patterson
Debtor.

Chapter 7 Case
12-10240

Appearances: Heather Z. Cooper, Esq.
Kenlan, Schwiebert, Facey & Goss, P.C.
Rutland, VT
Attorney for the Debtor

James B. Anderson, Esq.
Ryan Smith & Carbine, Ltd
Rutland, VT
Attorney for Merchants Bank


ORDER
GRANTING THE DEBTOR'S MOTION TO AVOID LIEN,
OVERRULING MERCHANTS BANK'S OBJECTIONS TO THAT MOTION, AND
OVERRULING MERCHANTS BANK'S OBJECTION TO THE DEBTOR'S HOMESTEAD EXEMPTION

Based upon the findings of fact and conclusions of law set forth in a memorandum of decision of event date, the Court finds that (1) the Debtor's IRA was part of the consideration the Debtor received for the disposition of his former homestead and the Debtor used the IRA to acquire his current homestead, (2) the Debtor need not prove he has equity in that property as a prerequisite to avoiding Merchants' lien, and (3) the Debtor has established the right to avoid the Merchants' Judgment lien under § 522(f).

Accordingly, IT IS HEREBY ORDERED that the Debtor's motion to avoid lien is granted, all of Merchants' objections to that motion are overruled, and Merchants' objection to the Debtor's claim that his current homestead is exempt from enforcement of Merchants' Judgment Lien is overruled.

SO ORDERED.

November 13, 2012
Burlington, Vermont


Colleen A. Brown
United States Bankruptcy Judge